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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/622,919	07/17/2003	Alan G. Noraker	1162-227	2754

7590

08/23/2006

David F. Zinger
SHERIDAN ROSS P.C.
Suite 1200
1560 Broadway
Denver, CO 80202-5141

EXAMINER

ROWAN, KURT C

ART UNIT	PAPER NUMBER
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3643

DATE MAILED: 08/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/622,919

Applicant(s)

NORAKER, ALAN G.

Examiner

Kurt Rowan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 4-19, 21-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 4-19 and 21-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the two spaced apart parallel lines must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: the two spaced apart parallel lines.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 4-7, 9-13, 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kiser in view of Faz for substantially the same reasons stated in the last Office Action.

The patent to Kiser shows s fishing line container 11, 12 having a first spool 44 of fishing line in a fishing line compartment. Kiser shows a first flap 12 having an outer area and inner area. Kiser shows arms 46 to hold the spool 44 as shown in Figs. 5-6. The patent to Faz shows a container 10 having a strap or fastening element 48 of hoop and loop material for holding a spool 50 as shown in Fig. 4 and disclosed in column 3, lines 1-5. The strap has an attached end and an attaching end wherein the attached end and the attaching end of the single strap element are not separable from each other and the attached end is fixed to an inner area of a first flap. The fastening element of the attaching end can be connected to a fastening element of the attached

end to form a closed loop. Faz shows a cover 56 in Fig. 4 to retain wipes 58. In reference to claims 1 and 9, it would have been obvious to provide Kiser with a strap as shown by Faz to replace the arms 46 since merely one equivalent mechanical fastener is being substituted for another and the function is the same. It would have further been obvious to provide Kiser with a cover as shown by Faz to prevent the spools from falling out even if the hook and loop material becomes disengaged from the substrate. In reference to claim 4, Faz shows hook and loop material commonly referred to as Velcro. In reference to claim 5, Kiser shows the first flap having a hinged section 24 and a movable section 28. In reference to claim 6, Kiser shows a first strap having a length such that the length of the first strap appears to be greater than one-half of the lateral extent. At any rate, the relationship between the sizes of different elements would be determined through routine experimentation absent any showing of unexpected results. See *In re Rose*, 105 USPQ 137 and *In re Dailey et al.*, 149 USPQ 47. In reference to claim 7, Faz shows one strap and Kiser shows multiple spools. It would have been obvious to provide one strap for each spool noting that duplication of parts for multiplied effect is obvious. See *In re Harza*, 124 USPQ 378. In reference to claim 12, the attached end of the strap is laterally spaced from the first cover. In reference to claim 15, Kiser shows a primary container area joined to but spaced from the fishing line compartment. In reference to claim 16, Kiser shows a support subassembly 32, 34, 38 for holding at least said fishing line compartment adjacent a user's body.

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3. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kiser in view of Faz as applied to claim 1 above, and further in view of Grogan for substantially the same reasons stated in the last Office Action.

The patents to Kiser and Faz have been discussed above. In reference to claim 8, Faz show hook and loop material as the fastening element of the strap. The patent to Grogan shows a strap 46 which uses snaps 48, 49, 50 as the fastening elements. It would have been obvious to provide the fishing line container assembly of Kiser as modified by Faz with snaps to replace the hook and loop material since merely one mechanically equivalent fastening element is being substituted for another and the function is the same.

4. Claims 14, 17-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kiser in view of Faz as applied to claims 1, 9 above, and further in view of Davis for substantially the same reasons stated in the last Office Action.

The patents to Kiser and Faz have been discussed above. Kiser does not show an access hole formed entirely within a perimeter of a piece of material forming at least a portion of the exterior of the fishing line compartment. The patent to Davis shows a fishing line container 10 for holding a plurality of spools 48, 50, 52. Davis shows a plurality of access holes 60, 62, 64 formed within a perimeter of a piece of material such as the side wall of the container which is at least a portion of the exterior of the fishing line compartment. In reference to claim 14, it would have been obvious to provide the fishing line container of Kiser as modified by Faz with an access hole as shown by Davis for the purpose of withdrawing line from the spools without having to open the

container. In reference to claim 17, the combination of Kiser in view of Faz and Davis shows all of the method steps recited; providing a first spool, providing a fishing tackle pack, inserting a strap having an attached end and an attaching end through the bore of the spool, establishing a closed state of the strap and forming a loop by interconnecting the attaching end of the strap to the attached end, and threading the fishing line from the first spool through a hole formed through a panel of the first compartment. In reference to claim 20, Kiser shows a cover 28 and it follows that the cover overlies at least a portion of the first spool and the compartment is closed. In reference to claim 21, it follows that the inserting step includes inserting the strap through the bore while the bore is located outwardly from the cover.

5. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kiser in view of Faz and Davis as applied to claim 28 above, and further in view of Harmon for substantially the same reasons stated in the last Office Action.

6. The patents to Kiser, Faz and Davis have been discussed above and do not show a zipper. Kiser uses a strap 33, 34, 38 to close the compartments. The patent to Harmon shows a fishing tote bag for fishing equipment which employs zippers 8, 57 to close the various compartments. In reference to claim 29, it would have been obvious to provide the fishing line container of Kiser as modified by Faz and Davis with zippers as shown by Harmon since merely one equivalent closure means is being substituted for another and the function is the same.

Response to Arguments

7. Applicant's arguments filed June 8, 2006 have been fully considered but they are not persuasive. Applicant's response overcomes the rejection under 35 USC 112, second paragraph. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the motivation to combine the references is knowledge generally available to one of ordinary skill in the art. There is a reasonable expectation of success. Furthermore, the prior art references teach or suggest all of the claim limitations. The patents to Faz and Grogan are not cited to show a spool of fishing line in a pocket. In response to applicant's argument that the patents to Faz and Grogan are nonanalogous art since they do not show a pocket for a spool of fishing line, but it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, both patents are reasonably pertinent to the particular problem with which applicant was concerned since they show containers for holding small items some of which a fisherman might

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carry and use. Clearly the patents to Davis and Harmon are analogous art since they are containers to hold fishing tackle, but are not cited to show a pocket or sleeve to receive a spool of fishing line. The patent to Kiser shows a fishing tackle container that holds spools of fishing line. The cover 28 of Kiser is fixed to an inner area along two lines, one line on each side of the hinges 27. Also, note that Faz shows a pocket 56 that is fixed along two parallel lines as stated above. The method of placing a spool under a cover while the first spool is interconnected to the interior surface of the first compartment would have been obvious to one of ordinary skill in the art since the structure of the compartment is shown by the combination. The claims of the present invention should be amended to recite more structure to overcome the art of record.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kurt Rowan whose telephone number is (571) 272-6893. The examiner can normally be reached on Monday-Thursday 6:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Poon can be reached on (571) 272-6891. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink that reads "Kurt Rowan". The signature is stylized with a large, looped "K" and a checkmark-like flourish at the end.

Kurt Rowan
Primary Examiner
Art Unit 3643

KR